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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA, ) No. 3-06-70436 EMC  
15 Plaintiff, ) STIPULATION AND [PROPOSED]  
16 v. ) ORDER CONTINUING PRELIMINARY  
17 CESAR ROBERTO SANCHEZ RAMIREZ,) HEARING OR ARRAIGNMENT DATE  
18 Defendant. ) AND WAIVING TIME  
19 \_\_\_\_\_ ) SAN FRANCISCO VENUE

20 On August 3, 2006, the parties in this case appeared before the Court for Identification of  
21 Counsel. At that time, the parties stipulated that the Preliminary Hearing Date would be  
22 continued until August 22, 2006, and that time should be excluded from the Speedy Trial Act  
23 calculations from August 3, 2006 to August 22, 2006 for effective preparation of defense  
24 counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).  
25 The parties also stipulated that, pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d),  
26 the time limits set forth in FRCP 5.1(c) be tolled and waived from August 3, 2006, to and  
27 including August 22, 2006. The parties agree that – taking into account the public interest in  
28 prompt disposition of criminal cases – good cause exists for this extension.

Stipulation and [Proposed] Order  
3-06-70436

1 **IT IS SO STIPULATED.**

2 Respectfully submitted,

3 KEVIN V. RYAN  
4 United States Attorney

5 DATED: 08/14/06

6 \_\_\_\_\_ /s/ Derek R. Owens  
7 DEREK R. OWENS  
8 Special Assistant U.S. Attorney

9 DATED: 08/14/06

10 \_\_\_\_\_ /s/ Alex Reisman  
11 ALEX REISMAN  
12 Attorney for Defendant Hernandez

13 As the Court found on August 3, 2006, and for the reasons stated above, the Court finds that  
14 an exclusion of time between August 3, 2006 and August 22, 2006 is warranted and that the ends  
15 of justice served by the continuance outweigh the best interests of the public and the defendant in  
16 a speedy trial. The failure to grant the requested continuance would deny defense counsel the  
17 reasonable time necessary for effective preparation, taking into account the exercise of due  
18 diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv). The  
19 Court also finds that good cause exists pursuant to Federal Rule of Criminal Procedure (FRCP)  
20 5.1(d) to waive and toll the time limits set forth in FRCP 5.1(c) from August 3, 2006, to and  
21 including August 22, 2006.

22 **IT IS SO ORDERED.**

23 DATED: August 15, 2006

24 \_\_\_\_\_  
25 JOSEPH C. SPERO  
26 United States Magistrate Judge  
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